

EXHIBIT A

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JULIE DALESSIO, an individual,
Plaintiff,
v.

No. 2:17-cv-00642-MJP

**PLAINTIFF'S SECOND SET OF
DISCOVERY REQUESTS**

UNIVERSITY OF WASHINGTON, a Washington Public Corporation; Eliza Saunders, Director of the Office of Public Records, in her personal and official capacity; Alison Swenson, Compliance Analyst, in her personal capacity; Perry Tapper, Public Records Compliance Officer, in his personal capacity; Andrew Palmer, Compliance Analyst, in his personal capacity; John or Jane Does 1-12, in his or her personal capacity,

Defendants.

Comes now, Ms. Julie Dalessio, through her attorney Joseph Thomas, submits the following Interrogatories and Requests for Production of Documents pursuant to Fed. R. Civil P. 33 and 34.

1 I. INTERROGATORIES. In accordance with Rule 33 of the Federal Rules of Civil
2 Procedure, you are required to answer the following interrogatories under oath within thirty (30)
3 days after you receive them. These interrogatories are intended to discover information and/or
4 documents not only within your personal knowledge or obtainable by you, but also information in
5 possession of or obtainable by your attorneys, investigators, representatives, employees, agents,
6 or anyone acting on your behalf or on their behalf.

7 These interrogatories are continuing in nature and any information which may be
8 discovered by you subsequent to the service and filing of your answers must be brought to the
9 attention of Plaintiff's attorney through supplemental answers when it becomes available to you.
10 If there are any additions, deletions, or changes in the answers or information provided at any
11 time prior to hearing you are specifically requested to immediately inform Plaintiff's attorney. If
12 such information is not furnished, Plaintiff's attorney at the time of the hearing will move to
13 exclude from evidence such information requested and not furnished.

14 When you answer to any interrogatory is based in whole or in part upon information
15 supplied by an individual other than one appointed by you to sign and verify the answers, please
16 specifically so state as part of your answer to that interrogatory and give that individual's name,
17 address, and employment or other relationship with you.

18 If in responding to or failing to respond to these interrogatories and requests for
19 production you invoke or rely upon any privilege of any kind, state specifically the nature of the
20 privilege; the basis upon which you invoke, rely upon or claim it, including any statutory or
21 decisional reference; and identify all documents or other information, including contacts and
22 communications which you believe to be embraced by the privilege invoked.

23 II. Request for Production of Documents. In accordance with Rule 34 of the Federal
24 Rules of Civil Procedure, the Defendant must provide Plaintiff's attorney a copy of the requested
25 documents, identified by the request number, within thirty (30) days of your receipt of this
26 request. If a request is made for documents which are no longer in Defendants' possession,
27 please state when such documents were most recently in the possession of the Defendant, and

1 what disposition, if any, was made of them. If such documents have been destroyed, please
2 identify the person who destroyed them and the date of and reasons for their destruction.

3 Please provide complete answers and attach additional pages as needed. If records are
4 available in electronic format, then please provide the records in electronic format.

5 GENERAL INSTRUCTIONS

6 If your answer to any interrogatory is "N/A" or "Not Applicable", describe in detail your
7 reasons for making such a reply.

8 In reply to any interrogatory, do not merely state "see attached records" unless you have
9 no additional memory of the matters referenced to in the interrogatory. If you have any additional
10 memory of the relevant events, describe it in detail.

11 If records are available in electronic format, then please provide the records in electronic
12 format.

13 DEFINITIONS

14 For purposes of this discovery request the following abbreviations and definitions shall
15 apply.

16 1. The terms "you" and "your" mean the party to whom these interrogatories are
17 addressed, and your attorneys, agents, employees, representatives, investigators, and any other
18 person who is in possession of, or who has obtained information on your behalf.

19 2. The term "document" means any information stored in any form; any written,
20 recorded or graphic matter, however produced or reproduced; and copies and drafts thereof.
21 Without limiting the foregoing, "document" includes correspondence; telegrams; memoranda;
22 reports; notes; drafts; minutes; contracts; agreements; books; records; vouchers; invoices; diaries;
23 logs; calendar notes; computer printouts; memory programs; information stored in any data
24 processing or word processing system in whatever form; backup materials of any kind; card files;
25 press clippings; newspapers or newsletters; sworn or unsworn statements or employees; lists;
26 audits; tables of organization; deposit slips; monthly or other periodic statements; ledgers;
27 journals; notices; affidavits; court papers; appointment books; minutes or records of conferences
28 or telephone calls; brochures; receipts; written reports or opinions of investigators or experts;

1 status reports; drawings; charts; photographs; negatives; or tape recordings within your
2 possession, or subject to your control, of which you have knowledge, or to which you now have,
3 or have had access, or of which any of your agents, attorneys, accountants, or consultants have
4 knowledge. A comment or notation appearing on any document, not part of the original text, is to be
5 considered as a separate "document."

6 3. The term "identify" and "fully describe" mean:

7 a. When referring to a natural person, state his/her full name, his/her present or last
8 known business or home address if there is no business address.

9 b. When referring to a document, state its title and date; identify the author or person
10 who prepared it and any signatories to it; give the type of document (e.g., letter, memorandum,
11 invoice); its present location and custodian; a summary of its contents, or principal terms and
12 provisions; the identity of its addresses and all other persons receiving it or copies of it. If the
13 document so identified was, but is not any longer, in your possession, custody and control, state
14 what disposition has been made of it. Attach a copy of it to your response to these
15 interrogatories.

16 c. When referring to an act, transaction, event, incident, communication,
17 conversation or occasion, fully describe the matter. State its date and place of occurrence (or if a
18 telephone call is involved, so state and provide the identity and location of all parties and identify
19 the person who initiated the call); identify each person participating in or witnessing the event;
20 describe in detail all circumstances leading up to or surrounding it; describe in detail what
21 occurred or transpired, and what was said by whom; and, identify all documents summarizing,
22 recording, reflecting, reporting, or containing a reference to it.

23 Dated this 27 day of September 2018.

24

25 /s/ Joseph Thomas

26 Joseph Thomas

27 Attorney for Plaintiff

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INTERROGATORIES

7. Please fully explain and identify the current and past “Privacy Officials” responsible for the documents disclosed in the public records requests for information pertaining to Julie Dalessio. When identifying which documents are the responsibility of each privacy officer, please refer to the documents already filed with the court as: Dkts 32, 33, 34, and 38.

This interrogatory is addressed separately to and should be answered separately by:

- A. University of Washington
 - B. Eliza Saunders
 - C. Perry Tapper
 - D. Alison Swenson
 - E. Andrew Palmer
 - F. John or Jane Does 1-12

8. Please fully describe how you personally, each of the Defendants, respond to the release of University records pursuant to bates stamped documents UW 004462-004467. This is also referred to as the administrative policy statement 57.9.

This interrogatory is addressed separately to and should be answered separately by:

- A. University of Washington
 - B. Eliza Saunders
 - C. Perry Tapper
 - D. Alison Swenson
 - E. Andrew Palmer
 - F. John or Jane Does 1-12

1 9. Please fully explain Shari Spung's pre-production involvement in the University of
2 Washington's response to Public Records Act requests. This should include, but is not
3 limited to, explaining if Ms. Spung's involvement is routine, and also, what circumstances
4 does Ms. Spung become involved in the pre-production under the Public Records Act.

5
6 This interrogatory is addressed separately to and should be answered separately by:

- 7 A. University of Washington
8 B. Eliza Saunders
9 C. Perry Tapper
10 D. Alison Swenson
11 E. Andrew Palmer
12 F. John or Jane Does 1-12

13
14
15
16 I, _____, am the _____ of County, Defendant in the
17 above-named lawsuit. I have reviewed the answers to _____, and I declare
18 under the penalty of perjury under the laws of the state of Washington that they are true and
19 correct to the best of my knowledge and belief.

20
21 I, _____, am the _____ of, Defendant in the above-
22 named lawsuit. I have reviewed the answers to _____, and I declare under the
23 penalty of perjury under the laws of the state of Washington that they are true and correct to the
24 best of my knowledge and belief.

1 I, _____, am the _____, Defendant in the above-
2 named lawsuit. I have reviewed the answers to _____, and I declare under the
3 penalty of perjury under the laws of the state of Washington that they are true and correct to the
4 best of my knowledge and belief.

5

6 I, _____, am the _____, Defendant in the above-
7 named lawsuit. I have reviewed the answers to _____, and I declare under the
8 penalty of perjury under the laws of the state of Washington that they are true and correct to the
9 best of my knowledge and belief.

10

11 I, _____, am the _____ of County, Defendant in the
12 above-named lawsuit. I have reviewed the answers to _____, and I declare
13 under the penalty of perjury under the laws of the state of Washington that they are true and
14 correct to the best of my knowledge and belief.

15

16 I, _____, am the _____ of County, Defendant in the
17 above-named lawsuit. I have reviewed the answers to _____, and I declare
18 under the penalty of perjury under the laws of the state of Washington that they are true and
19 correct to the best of my knowledge and belief.

20

REQUESTS FOR PRODUCTION

21 16. Please produce all documents that were used to collect, documents collected, and
22 documents produced to the requestor for Public Records Act request PR 2017-00357.

23 17. Please produce all documents that were used to collect, documents collected, and
24 documents produced to the requestor for Public Records Act request PR 2017-00358.

25 18. Please produce all documents that were used to collect, documents collected, and
26 documents produced to the requestor for Public Records Act request PR 2017-00359.

27 19. Please produce all documents that were used to collect, documents collected, and
28 documents produced to the requestor for Public Records Act request PR 2017-00822.
Plaintiff's Second Set of Discovery Requests

- 1 20. Please produce all documents that were used to collect, documents collected, and
- 2 documents produced to the requestor for Public Records Act request PR 2017-00803.
- 3 21. Please produce all documents that were used to collect, documents collected, and
- 4 documents produced to the requestor for Public Records Act request PR 2018-00253.
- 5 22. Please produce all documents that were used to collect, documents collected, and
- 6 documents produced to the requestor for Public Records Act request PR 2017-00738.
- 7 23. Please produce all documents that were used to collect, documents collected, and
- 8 documents produced to the requestor for Public Records Act request PR 2017-00737.
- 9 24. Please produce all documents that identify Shari Spung, an employee of Risk Services at
- 10 the University of Washington, has been involved in Public Records Act production of
- 11 documents from January 01, 2011 to January 01, 2018.
- 12 25. Please produce all documents identifying any current attorney-client relationship with
- 13 Christine Taylor who was mentioned by Defendants in the initial disclosures for this
- 14 above entitled lawsuit.
- 15 26. Please produce all documents identifying any current attorney-client relationship with
- 16 Marcelo Collantes who was mentioned by Defendants in the initial disclosures for this
- 17 above entitled lawsuit.
- 18 27. Please produce all documents identifying any current attorney-client relationship with
- 19 Daisy Rendorio who was mentioned by Defendants in the initial disclosures for this above
- 20 entitled lawsuit.
- 21 28. Please produce all documents identifying any current attorney-client relationship with
- 22 Karen Holloway who was mentioned by Defendants in the initial disclosures for this
- 23 above entitled lawsuit.
- 24 29. Please produce all documents identifying any current attorney-client relationship with Ana
- 25 Marie Keeney who was mentioned by Defendants in the initial disclosures for this above
- 26 entitled lawsuit.
- 27 30. Please produce all documents identifying any current attorney-client relationship with
- 28 Toni Kemp who was mentioned by Defendants in the initial disclosures for this above

1 entitled lawsuit.

2 31. Please produce all documents identifying any current attorney-client relationship with
3 Cynthia Dold who was mentioned by Defendants in the initial disclosures for this above
4 entitled lawsuit.

5 32. Please produce all documents identifying any current attorney-client relationship with
6 Lori Oliver who was mentioned by Defendants in the initial disclosures for this above
7 entitled lawsuit.

8 33. Please produce all documents identifying any current attorney-client relationship with
9 Mindy Kornberg who was mentioned by Defendants in the initial disclosures for this
10 above entitled lawsuit.

11 34. Please produce all documents identifying any current attorney-client relationship with
12 Barb Benson who was mentioned by Defendants in the initial disclosures for this above
13 entitled lawsuit.

14 35. Please produce all documents identifying legal authority to support Defendants claimed
15 defense that Plaintiff's breach of contract claim is barred by a statute of limitations.

16 36. Please produce all documents identifying facts to support Defendants claimed defense that
17 Plaintiff's breach of contract claim is barred by a statute of limitations.

18 37. Please produce all documents identifying facts to support Defendants claimed defense that
19 Plaintiff has failed to mitigate any damages.

20 38. Please produce all documents identifying legal authority to support Defendants claimed
21 defense that Plaintiff had any obligation to mitigate any damages.

22 39. Please produce all documents identifying legal authority to support Defendants claimed
23 defense that Defendant University of Washington is entitled to an offset of awards from
24 Plaintiff.

25 40. Please produce all documents identifying facts to support Defendants claimed defense that
26 Defendant University of Washington is entitled to an offset of awards from Plaintiff.

27 41. Please produce all documents identifying legal authority to support Defendants claimed
28 defense of qualified immunity for federal claims.
Plaintiff's Second Set of Discovery Requests

- 1 42. Please produce all documents identifying legal authority to support Defendants claimed
 2 defense of good faith immunity for state law claims.
- 3 43. Please produce all documents identifying legal authority to support Defendants claimed
 4 defense of discretionary immunity for state law claims.
- 5 44. Please produce all documents identifying third party notifications of pending public
 6 records releases issued by the University of Washington Office of Public Records. This
 7 should include notification to the unions regarding the release of settlement agreements.
- 8 45. Please produce all documents identifying notifications from the University of Washington
 9 Office of Public Records to persons who are named in the record or to whom the record
 10 specifically pertains, that release of a record has been requested, prior to public records
 11 releases.
- 12 46. Please produce all documents identifying notifications of improperly released information,
 13 security breaches, SSN from the University of Washington.
- 14 47. Please produce all documents identifying notifications of improperly released information,
 15 security breaches, SSN from University of Washington Medicine.
- 16 48. Please produce all documents, including memos, emails, memos re phone contacts,
 17 regarding search for and production/withholding of records pertaining to Dalessio. Please
 18 produce any and all documents to or from each person named in disclosures as persons
 19 having information pertaining to the public records releases indicated in this lawsuit.
 20 Documents from each person should be produced in separate files, labeled with each
 21 person's name, including: Eliza Saunders, Perry Tapper, Alison Swenson, Andrew
 22 Palmer, Shari Spung, Toni Kemp, Mindy Kornberg, Barb Benson, Cynthia Dold, Lori
 23 Oliver, Jeanie Miele, Paola Quinones, Karen Holloway, Rhoda Ashley Morrow, Odessah
 24 Visitacion, Matt Maria, Cheryl Manekia, Amy Robles, Patricia Van Velsir, Ana Marie
 25 Keeney, Tamara Schmautz, Steven Durant, Jennifer Klohe, Lauren Fischer, Christine
 26 Taylor, Marcelo Collantes, Daisy Rendario, James Fine, Sharon Risley, Larry Bell, Cheryl
 27 Sternberg, Kim Williams, and Rebecca Caulfield.
- 28 49. Please produce any depositions taken, or declarations or answers to interrogatories given
 Plaintiff's Second Set of Discovery Requests

1 in an earlier action in federal or state court, pertaining to production or withholding of
2 records by the named defendants, Eliza Saunders, Perry Tapper, Alison Swenson, Andrew
3 Palmer, and University of Washington (including Shari Spung, Toni Kemp, Mindy
4 Kornberg, Barb Benson, Cynthia Dold, Lori Oliver, Jeanie Miele, Paola Quinones, Karen
5 Holloway, Rhoda Ashley Morrow, Odessah Visitacion, Matt Maria, Cheryl Manekia,
6 Amy Robles, Patricia Van Velsir, Ana Marie Keeney, Tamara Schmautz, Steven Durant,
7 Jennifer Klohe, Lauren Fischer, Christine Taylor, Marcelo Collantes, Daisy Rendario,
8 James Fine, Sharon Risley, Larry Bell, Cheryl Sternberg, Kim Williams, and Rebecca
9 Caulfield).

10 50. Please produce any requests or standard form memorandum, from claims services or any
11 AAG requesting a first-hand description of the incident to or from any University of
12 Washington employees pertaining to Dalessio's tort claim.

15 52. Please produce any documents identifying positions and job descriptions of persons
16 identified in disclosures, (Eliza Saunders, Perry Tapper, Alison Swenson, Andrew Palmer,
17 Shari Spung, Toni Kemp, Mindy Kornberg, Barb Benson, Cynthia Dold, Lori Oliver,
18 Jeanie Miele, Paola Quinones, Karen Holloway, Rhoda Ashley Morrow, Odessah
19 Visitacion, Matt Maria, Cheryl Manekia, Amy Robles, Patricia Van Velsir, Ana Marie
20 Keeney, Tamara Schmautz, Steven Durant, Jennifer Klohe, Lauren Fischer, Christine
21 Taylor, Marcelo Collantes, Daisy Rendario, James Fine, Sharon Risley, Larry Bell, Cheryl
22 Sternberg, Kim Williams, and Rebecca Caulfield). This information should include job
23 titles and responsibilities, salaries, and organizational charts.

26 54. Please produce all documents that were used to collect, documents collected, and
27 documents produced to the requestor for Public Records Act request PR 2018-00216.

28 55. Please produce any policies and procedures pertaining to records management at
Plaintiff's Second Set of Discovery Requests 11 Law Office of Joseph Thomas
Case 2:17-cv-00642 14625 SE 176th St., Apt. N101
Renton, Washington
Phone: (206) 226-8848

1 University of Washington.

2 56. Please produce any policies and procedures pertaining to records management at
3 University of Washington Medicine.

4 57. Please produce any other insurance policies that might be used to satisfy any judgment in
5 this action.

6 58. Please produce any and all documents identifying declarations or affidavits filed in court
7 (either state or federal) signed by any current or past employee of the Office of Public
8 Records and Open Public Meetings at the University of Washington. The scope of this
9 request is from January 01, 2012 to January 01, 2017.

10 59. Any and all documents identifying an "an action plan" developed by the University of
11 Washington concerning "Information Security, Privacy and Identity Theft Prevention."
12 The scope of this request is from January 01, 2015 to December 31, 2017.

13 60. Any and all documents identifying legal claims against the University of Washington
14 regarding privacy issues. This includes, but is not limited to: employee privacy, Health
15 Information Portability Accountability Act, Federal Education Rights and Privacy Act,
16 etc. The scope of this request is from January 01, 2012 through January 01, 2018.

17 61. Any and all documents identifying legal claims against the University of Washington
18 Medical Center regarding privacy issues. This includes, but is not limited to: employee
19 privacy, Health Information Portability Accountability Act, Federal Education Rights and
20 Privacy Act, etc. The scope of this request is from January 01, 2012 through January 01,
21 2018.

22 62. Any and all documents identifying the current organizational structure of the Office of
23 Public Records and Open Public Meetings for the University of Washington. These
24 documents should identify the employees, the employees job titles, responsibilities, and
25 supervisors.

26 63. Any and all documents identifying current insurance policies and procedures regarding
27 liability coverage for the University of Washington Laboratory Medicine.

28 64. Any and all documents identifying UW Medicine compliance audits for the subject
Plaintiff's Second Set of Discovery Requests 12 Law Office of Joseph Thomas
Case 2:17-cv-00642 14625 SE 176th St., Apt. N101
Renton, Washington
Phone (206)390-8848

1 matter: Health Insurance Portability and Accountability Act (HIPAA) and State patient
2 information privacy laws. The scope of this request is from January 01, 2010 to May 01,
3 2018. For your convenience when searching for this record the link to the policy
4 statement describing the UW Medicine compliance audits is here:

5 http://depts.washington.edu/comply/comp_003/

6 65. A copy of the signed agreement between the University of Washington and the United
7 States Department of Health and Human Services regarding the unlawful disclosure of
8 protected health information (PHI) under the Health Insurance Portability and
9 Accountability Act (HIPAA). It is believed this agreement was signed entered into on or
10 about the year 2015. For your assistance in finding this record, this is a link to the United
11 States Health and Human Services website announcing the fine and the agreement.
12 [https://www.hhs.gov/hipaa/for-professionals/compliance-](https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/university-of-washington-medicine/index.html)
13 [enforcement/agreements/university-of-washington-medicine/index.html](https://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/agreements/university-of-washington-medicine/index.html)

14
15
16 Dated: September 28, 2018

17
18 LAW OFFICE OF JOSEPH THOMAS, PLLC

19
20 By: /s/ Joseph Thomas
21 Joseph Thomas, WSBA #49532
Attorney for Plaintiff

22 14625 SE 176th St., Apt. N101
23 Renton, WA 98058
Phone: (206) 390-8848
Email: joe@joethomas.org

Certificate of Service

I hereby certify that on 28th of September 2018, I filed the foregoing with Defendants through electronic mail.

/s/ Joseph Thomas
Joseph Thomas, WSBA 49532
14625 SE 176th St., Apt. N101
Renton, WA 98058
(206) 390-8848